

1 ROBERT W. LYONS (CABN 45548)

2 LAW OFFICES OF ROBERT W. LYONS
3 295 West Winton Avenue
4 Hayward, California 94544
5 Telephone (510) 782-6161

E-Filing

6 UNITED STATES DISTRICT COURT

7 NORTHERN DISTRICT OF CALIFORNIA

8 SAN JOSE DIVISION

E-FILED - 10/18/06

9 UNITED STATES OF AMERICA,

10 Plaintiff,

11 vs.

12 DAVID LEON GARCIA,

13 Defendant.

) Case No.: CR 05-00342-RMW

)

) STIPULATION AND ORDER RESCHEDULING

) SENTENCING HEARING

)

)

)

)

)

)

15 IT IS HEREBY STIPULATED between the parties and based upon such

16 stipulation it is hereby ordered, that the defendant's sentencing hearing,

17 currently scheduled for Monday, October 23, 2006 at 9:00 a.m. be continued

18 and a new sentencing hearing date of Monday, November 27, 2006 at 9:00 a.m.

19 is hereby set. The reason for this stipulation is because Robert W. Lyons,

20 Attorney for defendant, is getting married, and will be on his honeymoon from

21 Wednesday, October 4, 2006 to Friday, October 13, 2006 in Honolulu, Hawaii.

22 Upon his return, Mr. Lyons will not have adequate time to investigate and

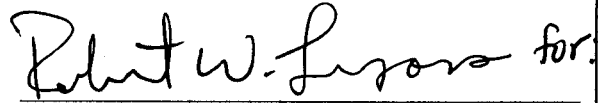
23 respond to issues presented in the presentence report received on September

24 11, 2006. In addition, the parties have agreed to a possible cooperation

25 between the authorities and the defendant.

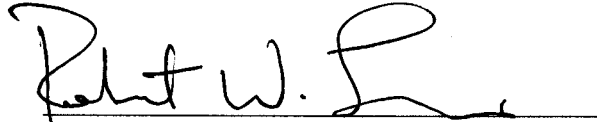
1 It is so stipulated.

2 Dated: 9-18-06


JOHN N. GLANG
Assistant United States Attorney
per phone conversation 9/18/06

6 It is so stipulated:

7 Dated: 9-18-06


ROBERT W. LYONS
Attorney for David Leon Garcia

9 It is so ORDERED:

10 Dated: 10/18/06

/S/ RONALD M. WHYTE

RONALD M. WHYTE
United States District Judge